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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,559	01/29/2002	Todd McGee	38021.010000	5781

7590 03/01/2007
GREENBERG TRAURIG, P.A.
1221 Brickell Avenue
Miami, FL 33131

EXAMINER

CHAMPAGNE, LUNA

ART UNIT	PAPER NUMBER
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3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/059,559	MCGEE, TODD	
	Examiner	Art Unit	
	Luna Champagne	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner '311.

Skinner discloses a system for conducting multiple-item search queries (See for example paragraph 0037, lines 14-16; and **paragraph 0043, lines 40-51, “testing services or other services with the identified testing services supplier”**) in a system for engaging in e-commerce; computer hardware, software and storage means containing information regarding suppliers and products/services available for purchase (See for example paragraphs 0031-0036); servers providing Internet-based access and use of the system (See for example 0023); means for buyers of products/services to search for multiple different types of products/services sought to be purchased in an order (See for example claim 11, **means for initiating a purchase transaction**) by entering a single search query (See for example 0037, 0043); means for providing search results whereby the results are grouped (i.e., group of suppliers) and ranked (See for example paragraph 0037 and paragraph 0049) by supplier based on which supplier has the greatest capability to supply multiple amounts of products/services,

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including the ability of a single supplier to fulfill multiple roles (See 0049, lines 21-22).

Skinner lacks the specific teaching of the search results being ranked by the supplier having inventory for the greatest number of queried products/services that can best fill said entire order.

It would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to modify Skinner to have the ranking be for the supplier having inventory for the greatest number of queried products/services, as the result for the greatest "capability" to supply products/services (*as taught by Skinner*) is directly proportional to a result for the greatest number of products/services, and to substitute one type of result for the other would produce similar desired information resulting in a similar final outcome. An example of a motivation for using one type of data proportional to another would ^{be to not} ~~not to~~ exclude suppliers that are capable of fulfilling an order regardless of the "number" of inventories presently in stock (See, for example, Skinner: paragraph 0058, lines 10-13).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner '311 in view of Shavit et al. '156.

Skinner lacks the specific teaching of transmitting RFQ's and receiving responses to RFQ's.

Shavit et al. teach that it is well known in the art to transmit/receive information with respect to RFQ's (See for example Cols. 12-15).

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It would have been obvious to one of ordinary skill in the art to modify Skinner et al. to include transmitting RFQ's and receiving responses to RFQ's, in view of Shavit et al., in order to provide on-line interactive sales service (See Shavit et al., lines 45-48).

Response to Arguments

Applicant's arguments filed 11/3/2006 have been fully considered but they are not persuasive.

The applicant argues that Skinner teaches a system whereby buyers can search for multiple amounts of the same (*emphasis added*) product/service. However, Skinner does not teach that the search has to be for multiple amounts of the same product/service. As stated in paragraph 0040, lines 12-14, "Selection module **231** may allow a user to identify one or more products, services, or materials desired for purchase from a particular supplier " (*i.e., not necessarily multiple amounts of the same product/service*). The reference with respect to motivation from page 10 of the Applicant's remarks has been addressed in the above ^{rejection} argument.

The applicant further argues that Skinner does not teach ranking of suppliers by capability **to fill an entire order of multiple different types of products**. However, Skinner teaches ranking of suppliers by capability of a single supplier to fulfill multiple roles (see for example paragraph 0049, lines 21-22; "the ability of a single supplier to fulfill multiple roles", i.e. an entire order of multiple different types of products). Further, the applicant argues that Skinner does not teach searching for multiple different products/services via a single search query for the entire (*emphasis added*) multiple

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products/service order. However, as stated in paragraph 0037, lines 17-19, Skinner teaches " Description Index Module **222** may allow a user to display and/or compare information for a number of suppliers offering similar or related products, materials, or services" (i.e. *one search query resulting in multiple or an entire order of products/services to compare*).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on 8:30 - 5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Luna Champagne
Examiner
Art Unit 3627

February 7, 2007

 2/13/07
F. RYAN ZEENDER
PRIMARY EXAMINER